

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MANUEL JIMENEZ-VALDEZ,

Plaintiff,

Case No. 2:21-cv-13046

District Judge Linda V. Parker

v.

CO HUTCHERSON, CO WATSON,
CTO TORIANO HUDSON and CTO
BEVERLY WATSON,

Defendants.

**ORDER GRANTING MOTION TO EXCLUDE CASE FROM
EARLY MEDIATION (ECF No. 9) AND LIFTING THE STAY**

This is a prisoner civil rights case. On February 16, 2022, the case was stayed so that the parties could participate in the *pro se* prisoner early mediation program. (ECF No. 7).

Before the Court is the Michigan Attorney General's Office (AG) motion to exclude the case from early mediation. (ECF No. 9). The AG's Office, on behalf of the Michigan Department of Corrections (MDOC), has indicated that it would be willing to participate in mediation in every type of case except:

- 1) Parole Appeals;
- 2) Expungement of Misconducts;
- 3) Cases where exhaustion issues would get rid of the entire lawsuit against all defendants;

- 4) Cases that could have been screened out and dismissed by the court for other legitimate reasons; and
- 5) Cases in which MDOC has determined that the employee/defendant is not entitled to legal representation at state expense pursuant to Civil Service Rule 2-19.

The AG's Office says that this case falls under the last exception, explaining:

In his complaint, Plaintiff alleges, inter alia, that he was physically injured as a result of actions/inactions by Defendants CTS Toriano Hudson and CTO Beverly Watson

...

Because the conduct alleged in Plaintiff's complaint was not within the scope of Defendants CTO Toriano Hudson and CTO Beverly Walton's employment or authority, they are not entitled to legal representation by the Department of Attorney General or at state expense.

(ECF No. 9, PageID.37).

Because the AG's Office stated reason falls within the exceptions to mediation, the motion to exclude is GRANTED. The stay is LIFTED and this case is returned to the docket of the district judge and shall resume the regular case progression.

SO ORDERED.

Dated: March 8, 2022
Detroit, Michigan

s/Kimberly G. Altman
KIMBERLY G. ALTMAN
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 8, 2022.

s/Carolyn Ciesla
CAROLYN CIESLA
Case Manager